

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

In Re: Subpoena Issued to Volvo Group
North America, LLC.

-- in --

DARRELL CANADA, individually and
on Behalf of all Others Similarly
Situated,

Plaintiff,

vs.

DOMINION ENTERPRISES, a Virginia
General Partnership, CROSS-SELL,
LLC and JOHN DOES 1-100,

Defendants.



No. 14MC24

(Underlying action pending in the
Eastern District of Arkansas; Case No.
4:13CV00345 JLH)

**VOLVO GROUP NORTH AMERICA, LLC'S
MOTION TO QUASH**

Non-party Volvo Group North America, LLC. ("Volvo"), by and through counsel and pursuant to Rule 45(d) of the Federal Rules of Civil Procedure and Local Rule 7.3, hereby moves this Court for an order quashing a subpoena issued by Plaintiff Darrell Canada ("Plaintiff"). The subpoena commands Volvo to designate corporate representatives and appear on April 17, 2014, for deposition at Emerson Poynter, LLP, 1301 Scott Street, Little Rock, AR 72202. The subpoena was not accompanied by a 30(b)(6) deposition notice. A true copy of the subpoena is attached hereto as Exhibit 1.

In support of this motion, Volvo submits the accompanying Memorandum of Law. Pursuant to Rule 45(d) of the Federal Rules of Civil Procedure, the subpoena should be

quashed because (1) service was not accompanied by the tender of attendance and mileage fees; (2) it fails to allow a reasonable time for Volvo to comply and designate corporate representative(s); (3) it requires Volvo to comply beyond the geographical limits specified in Rule 45(c); (4) it subjects Volvo to undue burden.

WHEREFORE, Volvo respectfully requests that this Court quash the subpoena issued by Plaintiff and grant such other relief as the court may deem appropriate.

This the 10 day of April, 2014.



Richard J. Keshian
N.C. State Bar No. 10681
Amanda T. Johnson
N.C. State Bar No. 42953
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 607-7300
Facsimile: (336) 607-7500
Email:
rkeshian@kilpatricktownsend.com
amajohnson@kilpatricktownsend.com
Attorneys for Volvo Group North America, LLC

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Motion to Quash* has been served on counsel for the parties via first class U.S. mail, addressed as follows:

Will T. Crowder
Scott E. Poynter
Corey D. McGaha
EMERSON POYNTER LLP
1301 Scott Street
Little Rock, AR 72202

John G. Emerson
EMERSON POYNTER LLP
830 Apollo Lane
Houston, TX 77058

James C. Wyly
Sean F. Rommel
WYLY-ROMMEL, PLLC
4004 Texas Boulevard
Texarkana, TX 75503

ATTORNEYS FOR PLAINTIFF

Grant E. Fortson, Esq.
LAX, VAUGHAN, FORTSON, JONES & ROWE, P.A.
Cantrell West Building
11300 Cantrell Road, Suite 201
Little Rock, AR 72212

William Keith Ransdell, Esq.
John C. Roach, Esq.
Stephen Chad Meredith, Esq.
RANSDELL & ROACH, PLLC
176 Pasadena Drive, Bldg. One
Lexington, KY 40503

ATTORNEYS FOR DEFENDANTS

This the 10 day of April, 2014.



Richard J. Keshian
N.C. State Bar No. 10681
Amanda T. Johnson
N.C. State Bar No. 42953
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 607-7300
Facsimile: (336) 607-7500
Email:
rkeshian@kilpatricktownsend.com
amajohnson@kilpatricktownsend.com
Attorneys for Volvo Group North America, LLC